

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

PRIMERICA LIFE INSURANCE COMPANY

PLAINTIFF

V.

CIVIL ACTION NO. 1:17-CV-185-SA-DAS

ROXANE SPARKS, et al.

DEFENDANTS

AGREED ORDER DISMISSING CASE WITH PREJUDICE

The parties to this action have agreed to the resolution of this action and other litigation and have submitted this Agreed Order to the Court.

The parties have agreed as follows:

1. Primerica Life Insurance Co. ("PLIC") has deposited the benefit of life insurance policy no. 0433729955 ("the Policy") in to the Court. The benefit amount is \$125,000 and shall be disbursed as follows:

a. Ninety thousand dollars (\$90,000) plus one half (1/2) of any accrued interest, payable to Ernie Clayborn. The Clerk of this Court is directed to send a check in this amount to:

Jeffrey J. Hosford  
Hosford Law Firm, PLLC  
115A S. Lafayette  
Starkville, MS 39759

b. Thirty-five thousand dollars (\$35,000) plus one half (1/2) of any accrued interest, payable to Roxane Sparks. The Clerk of this Court is directed to send a check in this amount to:

Roy A. Perkins  
Attorney at Law  
P.O. Box 678  
Starkville, MS 39760

2. PLIC waives any claim to attorneys' fees and shall not be awarded any attorneys' fees in this matter. PLIC is discharged from further liability regarding the Policy or Policy proceeds, including any and all counterclaims asserted by the Defendants herein. Defendants are hereby enjoined from filing or prosecuting any future claims against PLIC and/or its agents that relate to the Policy or Policy proceeds, including any claims for bad faith.
3. The parties stipulate to the dismissal action with prejudice, costs taxed as paid.
4. Clayborn consents to and stipulates to the dismissal with prejudice of that certain action pending in the Chancery Court of Oktibbeha County, Mississippi, styled: Ernie Clayborn and the Estate of Katrina Clayborn, by Sally Baptist, Administratrix, vs. Roxanne Sparks; Cause No.: 17-505-HJD.
5. Ernie L. Clayborn and N.C., a minor, shall never pursue any civil claim against Roxane Sparks related to Katrina Clayborn that may have arisen prior to this date, and they are not pursuing any civil claim against Roxane Sparks related to Katrina Clayborn that may have arisen prior to this date.
6. Nothing in this Order or this action is, or shall be construed to be, an adjudication as to the validity or non-validity of that certain Durable Power of Attorney of Katrina Clayborn dated March 1, 2016. Further, nothing in this Order shall be construed to be an admission that the beneficiary of the Policy was changed.

IT IS THEREFORE ORDERED AND ADJUDGED, that this CASE shall be and is DISMISSED with prejudice, with costs and taxed as paid.

This the 11th day of October, 2018.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE

AGREED TO AND ACKNOWLEDGED BY

**/s/ Brian B. Hannula**

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**Attorney for Ernie Clayborn, as the Natural Guardian of N.C., a minor**